



ABOUT THE LICENSE LIMITATION PROGRAM and INSTRUCTIONS FOR APPLYING FOR A LICENSE

Please Note:

This publication is intended to explain the North Pacific License Limitation Program (LLP) and its several elements (license requirements, eligibility, endorsements, transferability, etc.), as proposed by the North Pacific Fishery Management Council and approved by the Secretary of Commerce. It is also designed to provide a step-by-step guide for completing applications for licenses under the program. Although it has been carefully reviewed for accuracy and completeness, it is not intended to be a legal guide to the program.

At the time this document is being distributed (September 1999), some of the regulations required to fully implement all of the elements of the LLP have not been approved by the Secretary of Commerce and formally published in the Federal Register. Meanwhile, those seeking specific legal guidance to program requirements should consult Federal Regulations at 50 CFR § 679.2 (for Definitions) and 50 CFR § 679.4(k) (for application and program information).

Greetings!

The purpose of this document is to explain the requirements and elements of the North Pacific License Limitation Program (LLP), a limited access program that is intended to limit participation in the groundfish fisheries in the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands (BSAI) federal management areas, and the BSAI crab fisheries. The document is also intended to provide step-by-step instructions for applying for licenses under the program.

As you will see, the LLP is a complicated and potentially confusing program. Although we make an effort to explain its elements and complexities, we have no doubts that questions and concerns may arise. Therefore, we encourage readers who have such questions or concerns to contact the Alaska Region, National Marine Fisheries Service (NMFS), Restricted Access Management (RAM). We can be reached by calling (toll-free) 1-800-304-4846 (press "2") or 907-586-7202. Additional information, including program regulations, forms, and instructions, may be obtained from the Internet by accessing the NMFS Alaska Region site at <www.fakr.noaa.gov>.

**National Marine Fisheries Service (NMFS)
Restricted Access Management (RAM)
Juneau, Alaska • September 1999**



Background

After January 1, 2000, any vessel used in the king and Tanner crab fisheries in the BSAI and in the directed groundfish fisheries (except for sablefish managed under the Individual Fishing Quota program and demersal shelf rockfish east of 140 degrees West longitude) in the GOA or the BSAI **must** be named on a valid groundfish or crab license issued under the LLP; further, the license must be on board the vessel when it is engaged in such fishing.¹

Note: *This licensing requirement is in **addition to** all other permits or licenses required by Federal or state regulations (however, the Vessel Moratorium Permit will **not** be required, as the Vessel Moratorium Program expires on December 31, 1999).*

The LLP is a limited access (entry) program. Only those who qualify will initially receive a permanent, transferable license. Simply holding a Vessel Moratorium Qualification or Permit does not result in automatic eligibility for an LLP license; the Vessel Moratorium Program expires on December 31, 1999. The LLP is a new program, with its own quite complicated and intricate requirements.

As explained in greater detail below, an LLP license will be initially issued to a qualified person if that person owns a vessel (or a vessel's fishing history) that meets the requirements of the LLP; i.e., if the vessel's fishing history meets certain historic participation standards, and if that person applies for the license in a timely manner (before December 17, 1999).

Please note that, to entitle a person for a license, the qualifying historic participation must be the participation of one vessel (there is one limited exception to this general rule, explained herein). Another way of saying that is that one may not obtain a license by "piecing together" or assembling different parts of the fishing histories of different vessels in order to obtain a history that qualifies the owner of the various histories for a license. This is true, even though ownership of a vessel's fishing history may be separated from the owner of the vessel by sale (of either the fishing history or the vessel).²

¹ Exceptions to this general requirement include: 1) vessels that do not exceed 26 feet in Length Overall (LOA) are exempt from the LLP requirement in the GOA; 2) vessels that do not exceed 32 feet LOA are exempt from the LLP requirements in the BSAI; and, 3) vessels that do not exceed 60 feet LOA, and that are using jig gear (but no more than 5 jig machines, one line per machine, and 15 hooks per line) are exempt from the LLP requirements in the BSAI.

² The exception to the "one vessel = one history = one license" rule is a limited one, and applies only to applicants seeking licenses for the crab fisheries. If a person can demonstrate that a documented harvest of crab species was made from his or her vessel during the period beginning January 1, 1998, through February 7, 1998, s/he may "join" that history with another fishing history from another vessel whose fishing history meets all the requirements for a crab license except for the recent participation requirement. However, the history of the other vessel must have been acquired (or a contract to acquire it must have been executed) by 8:36 a.m., Pacific Standard Time, on October 10, 1998.

Applicants who own a vessel's fishing history, and who were not the owner(s) of the vessel on June 17, 1995, must demonstrate their ownership of the fishing history by presenting a "clear and unambiguous" contract for the sale of the fishing history that separates the history from the vessel (or by the sale of the vessel in which the vessel's fishing history is explicitly excluded from the contract by which the vessel was conveyed to a purchaser).

Note that an LLP license is held by a person, and not by a vessel. One may hold a license that does not display the name of a vessel; however, before the license can be used in a fishery, a vessel must be named. And once a vessel is named, the license holder is authorized to deploy the named vessel to engage in directed fishing in accordance with the endorsements (species and areas and all other provisions and limitations) designated on the license, and the license must be physically on board the vessel when it is engaged in activities authorized by the license.

LLP License Characteristics

First, licenses represent a privilege, and allow their holder(s) to deploy vessel(s) in the license limitation groundfish and crab fisheries, consistent with the terms, conditions and endorsements set out in the regulations that govern the fisheries and the endorsements and limitations that are unique to each license. Licenses are not the "property" of those who hold them, and they may be modified or revoked without compensation (the LLP has undergone several significant changes since it was first adopted by the Council in June 1995; there is reason to believe that additional changes will be considered in the future).

On the face of each license, the following information will be set out:

1. The identification number assigned to the license;
2. The name and address of the license holder;
3. The characteristics of a vessel that may be deployed by the license holder [i.e., a vessel's maximum length overall (MLOA) and use (catcher or catcher-processor)];
4. Information on the specific vessel designated on the license, if any [including the vessel's name, LOA, Coast Guard documentation (official) number, and ADF&G number]; and,
5. Specific license endorsements, including species and/or area for which (and in which) the vessel may be used, and (for groundfish), the type of gear that may be used.

A license that is issued premised on the fishing history of a vessel used to make qualifying harvests of license limitation groundfish or crab, but which did not have a Federal Fisheries Permit assigned to it at the time the qualifying harvest(s) was made, will contain the name and other characteristics of the vessel as a permanent "endorsement" on the license. The license will be transferable; however, no other vessel may be designated on the license (so, as a practical matter, the license will only "transfer" between persons at the time that the vessel's ownership changes).

Each license will authorize the person who holds it to deploy a named vessel in the designated groundfish fisheries in the GOA/BSAI and in the king and Tanner crab fisheries in the BSAI.

Transferability

LLP licenses are transferable, but only one voluntary transfer during a calendar year is allowed. To be effective, an application for the transfer of a license must be submitted to, and approved by, NMFS (application forms for transfers, together with instructions for completing them, will be distributed at the time that licenses are issued, in late December 1999). A summary of transfer rules follows:

- Licenses may only be transferred to qualified persons.
- Unless they are initially issued, no person may hold more than ten (10) groundfish licenses or five (5) crab licenses at any one time;
- A license holder may not voluntarily transfer his or her license more than one time in a calendar year;
- The transfer process will be used to designate a different vessel on the license; such a “designation” (or “re-designation”) of the vessel will be considered a “voluntary transfer” and will only be approved once in a calendar year;
- Licenses may transfer by “operation of law” (foreclosure, by inheritance, etc.); such transfers (which may or may not include a vessel) will not be considered a “voluntary transfer” for purposes of limiting the number of allowable transfers in a calendar year;
- Endorsements on licenses are not severable from the license; and,
- For at least the first three years of the program, a person who receives both a groundfish license and a crab license derived from the qualifying history of one vessel may not transfer one without transferring both; this is a form of license “pairing” that will be reexamined by the Council to determine whether its continuation is justified.

Duration of Licenses

As suggested above, the LLP is a “work in progress” and may be further modified by action of the North Pacific Fishery Management Council and the Secretary; therefore, each license that is issued for the year 2000 will expire at the end of that year. If changes to the LLP occur during 2000, the 2001 licenses will, if necessary, be modified before they are reissued for 2001.

Initial Issuance of Licenses

As explained in the instructions for completing the application (beginning on the next page), there is a one-time only application period to receive licenses by initial issuance. **The application period begins on September 13, 1999, and ends at 4:30 p.m., Alaska Standard Time, on December 17, 1999.** Applications that are not submitted to NMFS/RAM by the December 17 deadline will not be accepted, so it is important that those who believe they own a vessel whose fishing histories qualify for a license pay attention to that date and take steps to submit their applications in a timely manner.

Please read the application instructions very carefully – they provide step-by-step instructions for completing the application, and they also provide additional information about the License Limitation Program. Again, do not hesitate to contact NMFS/RAM if you have any questions.

Telephone: 800-304-4846 (press “2”)
Telephone: 907-586-7202
Facsimile: 907-586-7354
Internet: <www.fakr.noaa.gov>

General Guidelines for Preparing Applications

- The application period begins on September 13, 1999, and expires at 4:30 p.m., Alaska Standard Time, on

Friday, December 17, 1999.

To be considered, an application **must** be submitted to RAM by that date; late applications will be denied as untimely.

- Please type or print legibly in ink; date and sign the application(s).
- Keep a copy of each completed application for your records.
- Send completed forms together with any supporting documents to RAM at the address set out at the end of these instructions.

The Application Process – the “Official LLP Record”

To assist with the application process, RAM has established a comprehensive database (the "Official LLP Record") that contains relevant information on vessels whose fishing histories appear to qualify their owners to receive a groundfish and/or a crab license under the program. The information in the database has been derived from several sources, including the Alaska Department of Fish and Game, the Alaska Commercial Fisheries Entry Commission, and NMFS. These datasets have been edited so that only data that appear to be relevant to LLP implementation are included in the Official LLP Record.

Using information from the Official LLP Record, RAM has prepared a *License Limitation Program Qualifications Summary* for each apparently qualified vessel. The *Summary* includes available information on vessel ownership and vessel characteristics, and summarizes the endorsement(s) that its fishing history appears to have earned. The *Summary*, together with application instructions and the application itself, is being mailed to the apparent owner of the vessel as of June 17, 1995, as well as to those who, according to NMFS records, appear to currently hold the vessel's Moratorium Qualification (if one has been issued) and to the current owner of the vessel (if different from the owner on June 17, 1995).

Additionally, the list of vessels for which qualification summaries have been prepared is posted on the NMFS, Alaska Region, Internet site at <www.fakr.noaa.gov>. Please note that simply because a vessel is listed in the Official LLP Record as apparently qualifying its owner(s) for a license, issuance of a license is not guaranteed. There are three reasons for this:

1. no license will be issued unless a timely application has been received from a qualified applicant;

2. during the application process, additional information may be received that would cast doubt on information in the Official LLP Record; and,
3. a person other than the person that owned the vessel on June 17, 1995, may own the vessel's fishing history.

Finally, it is important to remember that, even though the Official LLP Record may not be perfect, it is "official," and it is presumed to be correct. Applicants bear the burden of demonstrating the validity of their claims, and any claims that are contrary to the information in the Official LLP Record must be supported with evidence. Failure to demonstrate the validity of a claim will result in the claims in question being denied.

Processing Applications

All timely applications will be initially processed by RAM staff. If the claims made on the application agree with the information contained in the Official LLP Record, the application will be placed in a "pending issuance" status. If, at the conclusion of the application period, no contradictory claims have been made, the license will be issued to the applicant.

On the other hand, if one or more of the claims are not consistent with the information contained in the Official LLP Record, the applicant will be asked to provide additional information (evidence) in support of those claims (suggested and required evidence is listed throughout these instructions) together with the application itself. If the application and supporting documentation does not contain sufficient evidence to support one or more of the claim(s) on the application, the applicant will be provided with one 60-day period during which s/he may submit the requested information. Following receipt and analysis of the evidence, RAM will either amend the Official LLP Record (thereby approving the claim), or will deny the application (in whole or in part) and issue an Initial Administrative Determination (IAD). The IAD will set out the known facts of the matter in dispute, discuss the evidence on record, interpret the relevant regulations, formally set out the initial determination(s) on the denied claims, and provide detailed information on how to appeal the determination(s) to the NMFS Office of Administrative Appeals.

Interim Permits

While an application is being processed, or an IAD is being considered on appeal, an interim (i.e., temporary and non-transferable) license may be issued to the applicant. The general rule is that an interim permit will be issued if the applicant held the necessary permits (for instance, a Moratorium Permit and a Federal Fisheries Permit) to participate in the fishery for which a license is claimed during 1999. At the discretion of RAM, interim permits may also be issued in instances where a credible (but unproven) claim has been submitted. Any decision by RAM to deny an interim permit may be appealed to the NMFS Office of Administrative Appeals.

At all events, interim permits will expire upon the effective date that a Final Agency Action. Final Agency Action results when the time for appealing an IAD has expired (and no appeal has been filed), or when an

appeal has been decided by the NMFS Office of Administrative Appeals and the decision has been finally approved by the Regional Administrator.

Questions and Clarifications

If you have any questions about this application, or if you need any clarification of the instructions or the regulations, please contact RAM at:

Telephone: 800-304-4846 (press “2”)

Telephone: 907-586-7202

Facsimile: 907-586-7354

Internet: <www.fakr.noaa.gov>

Completing the Application

This section contains step-by-step instructions and explanations of every section and question on the application. Please read these instructions carefully before completing the application.

Block A - Applicant Information

- A1. Enter the full name of the applicant(s). If the applicant is a group, enter the name of each member of the group. If the applicant is a partnership or corporation or some other business entity with more than one owner, list its legal name; it is not necessary to list all of its owners, partners, or shareholders.
- A2. Enter the applicant's Social Security Number(s) or Taxpayer Identification Number(s). Note the Privacy Act Statement on the application (reproduced below).

Note: *Federal Regulations authorize, but do not require, collection of this information. The information is used to verify the identity of applicants, and to accurately retrieve confidential records related to federal commercial fishery permits. When the requested information is a Social Security Number, disclosure is voluntary.*

- A3. Indicate whether the applicant is a U.S. Citizen. To be a qualifying person under this program, the applicant must have been eligible, on June 17, 1995, to document a fishing vessel under Chapter 121, Title 46, U.S.C. If the applicant was not eligible to document a vessel on that date, no license may be issued.
- A4. Enter the applicant's complete business mailing address. If the applicant is a group, enter the business mailing address of the group's designated representative.
- A5. Enter the applicant's business telephone number (include area code).
- A6. Enter the applicant's business facsimile number (include area code).
- A7. Enter the applicant's E-mail address, if applicable. Completing this section is not required; however, exchange of information between RAM and applicants can be expedited through the use of E-mail.

Block B - General Application Information

- B1. Separate licenses will be issued for groundfish and crab. Indicate on the form whether this application is for a groundfish license, a crab license, or both. You may use one application for each type of license (groundfish and/or crab) for which you are applying, but you must submit a separate application for each vessel upon which qualifying landings of groundfish or crab were made.

Submit a separate application for each vessel. In other words:

**If application is
based on history of**

Submit

One Vessel

One Application

More than One Vessel

One Application for each vessel

B2. This section sets out a variety of “non-standard” claims. If you make one or more of the claim(s), you must submit information and evidence to support it. Each is explained below.

- **Applicant who was not the owner of the qualifying vessel on June 17, 1995.**

The Official LLP Record is set to “default” to the person who, on June 17, 1995, was the owner of the vessel. However, if the applicant was not the owner of the vessel on that date, s/he may still be an eligible applicant, provided that s/he is a qualified person to whom the fishing history of a qualifying vessel has been transferred (or retained) by the “...*express terms of a written contract that clearly and unambiguously provides that the qualifications for a license under the LLP have been transferred or retained.*”

If you are claiming to be an eligible applicant under this provision, please check the appropriate box. To support your claim, you must provide a copy of the contract (or Bill of Sale) by which the applicant transferred (or retained) the fishing history of the qualifying vessel.

- **Applicant claiming a license based on the activities of a lost vessel.**

A vessel’s fishing history may qualify for a license, even though that vessel may have been lost or destroyed after attaining a qualifying fishing history. If you are seeking a license based on the activities of such a vessel, please check the appropriate box. To support your claim, you must supply a copy of the U.S. Coast Guard (USCG) Form 2692 [*Report of Marine Accident, Injury or Death*] that documents the incident that caused the vessel’s loss or destruction.

- **Applicant claiming crab license endorsement(s) by combining the fishing histories of more than one vessel.**

In those few cases in which a qualified person deployed a vessel that made qualifying harvests in the BSAI crab fisheries during the period January 1, 1998,

through February 7, 1998 [thereby qualifying that person for one or more crab endorsement(s) under the “recency” requirement], but the vessel used in those “recent” years was not used during the General Qualifying Period and the Endorsement Qualifying Period, it is allowable to “combine” the history of the vessel that recently participated in the crab fishery with that of another vessel that would have been qualified, but for its failure to meet the recency requirement.

To support a claim for a crab endorsement under this provision, please supply proof that the applicant is the owner of the qualifying history of a vessel that was used to make qualifying landings in the general and the endorsement qualifying period, as well as evidence of the “recency” landings (including name of vessel, fish ticket reports, etc.) upon which the claim is based. Note that the “recency” landings of one vessel may not be subdivided to qualify more than one other vessel under this provision.

- **Applicant claiming eligibility for a license under the terms of the Rehabilitation Act of 1973.**

Section 504 of the Rehabilitation Act of 1973 (as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978) provides:

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination . . . under any program or activity conducted by any Executive Agency . . .

To implement the Rehabilitation Act, the Department of Commerce has published regulations [at 15 CFR § 8c.30] relating to its nondiscrimination duties under the Act. Paragraph (b) of that section provides that the Department of Commerce may not:

(b)(1)(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit or service [provided by the Department];

(b)(1)(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit or service [provided by the Department] that is not equal to that afforded to others;

(b)(1)(iii) Provide a qualified individual with handicaps with an aid, benefit or service that is not effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others; or

(b)(1)(iv) Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit or service [provided by the Department].

The regulations further provide:

(b)(6) The [Department] may not administer a licensing or certification program in a manner that subjects qualified individuals with handicaps to discrimination on the basis of handicap, nor may the agency establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with handicaps to discrimination on the basis of handicap.

Note that these requirements prohibit discrimination against "...otherwise qualified individuals..." (emphasis supplied). Therefore, if the applicant is an individual, and was eligible, on June 17, 1995, to document a fishing vessel under Chapter 121, Title 46, U.S.C., this section may pertain. However, some link between an applicant's disability and his/her ability to deploy a vessel in the fisheries during the qualifying and endorsement periods must be shown.

Therefore, to support a claim of eligibility for a license (or an endorsement thereto) under the Rehabilitation Act, please submit evidence (in the form of statements and supporting documentation) that demonstrates that the applicant would have been eligible to receive a license (or an endorsement thereto) had it not been for the existence of a documented disability that frustrated the intent to deploy a vessel in a fishery(ies) and to develop a qualifying fishing history.

- **Applicant claiming eligibility premised on special or unavoidable circumstances.**

The LLP regulations allow an applicant to claim a license [or one or more endorsement(s) thereto] if s/he can demonstrate that an intent to deploy a vessel in a fishery was frustrated by some "unavoidable circumstance" that was unique to the applicant (or the applicant's vessel). This is not intended to be a catch-all way of obtaining licenses, however. Because the regulations are quite explicit with respect to eligibility under this provision, they are quoted below. 50 CFR § 679.4(k)(8) provides:

(iv) A qualified person who owned a vessel on June 17, 1995, that made a documented harvest of license limitation groundfish, or crab species if applicable, between January 1, 1988 and February 9, 1992, but whose vessel was unable to meet all the criteria in paragraph (k)(4) of this section for a groundfish license or paragraph (k)(5) of this section for a crab species license because of an unavoidable circumstance (i.e., the vessel was lost, damaged, or otherwise unable to participate in the license limitation groundfish or crab fisheries) may receive a license if the qualified person can demonstrate that:

(A) The owner of the vessel at the time of the unavoidable circumstance held a specific intent to conduct directed fishing for license limitation groundfish or crab species with that vessel during a specific time period in a specific area.

(B) The specific intent to conduct directed fishing ... was thwarted by a circumstance that was:

(1) Unavoidable.

(2) Unique to the owner of that vessel, or unique to the vessel.

(3) Unforeseen and reasonably unforeseeable to the owner of the vessel.

(C) The circumstance ... actually occurred.

(D) Under the circumstances, the owner of the vessel took all reasonable steps to overcome the circumstance ...

(E) Any amount of license limitation groundfish or appropriate crab species was harvested on the vessel in the specific area that corresponds to the area endorsement or areas/species endorsement for which the qualified person ... is applying and that the license limitation groundfish or crab species was harvested after the vessel was prevented from participating by the unavoidable circumstance but before June 17, 1995.

As can be seen, this provision is only intended to apply when the circumstances are truly unique. For instance, a storm in the Bering Sea that kept the whole fleet in port is not a circumstance that would qualify an applicant for credit. Likewise, a freely-made decision to keep the vessel in port during an opening would not qualify.

Therefore, to support a claim of eligibility for a license [or one or more endorsement(s) thereto] under this section, the applicant should supply evidence that supports the claim that s/he:

a) had an intent to deploy a vessel in the fishery(ies) [*as evidenced by, for example, contemporary receipts for fuel, bait, food, etc., log books that show that the vessel actually left her home port, copies of appropriate licenses and permits, product sales contracts, etc.*];

b) that the intent to deploy the vessel was thwarted by one or more circumstance(s) beyond the applicant's control [*as evidenced by, for example, medical records in the case of unexpected illness of owner or crew, receipts for repairs to the vessel, affidavits of knowledgeable witnesses to the circumstance, etc.*];

c) that the circumstances were unavoidable, unique to the applicant (or the vessel), and unforeseen and reasonably unforeseeable [*as evidenced by, for example, contemporary records of the event and affidavits explaining how the event was unique to the owner and/or the vessel*];

d) that the applicant took reasonable steps to overcome the circumstance [*as evidenced by, for example, records of phone calls to suppliers of replacement parts, receipts from airlines, affidavits of witnesses who observed the efforts made to deploy the vessel in spite of the circumstances, etc.*]; and,

e) that the applicant successfully deployed the vessel and made qualifying harvest(s) during the period between the onset of the circumstance(s) and June 17, 1995 [*as evidenced, in most cases, by contemporary fish tickets and/or NMFS weekly production reports*].

- **Applicant seeking a Norton Sound crab endorsement who was on the owner of the vessel on June 17, 1995.**

The only exception to the general requirement that only owners of a vessel's fishing history may qualify for a license is for the Norton Sound crab fishery endorsement. As explained later (in the Instructions for completing Block D of the application), an individual who held a permit issued by the Commercial Fisheries Entry Commission, and whose permit was used to record at least one harvest(s) of Norton Sound crab during the summer seasons of 1993 and/or 1994 may receive a license. Likewise, a "non-individual" applicant that owned the vessel set out on Block C of the application, and that employed a master or a temporary contractor (i.e., a "hired skipper") to operate the vessel during the time that one or more qualifying harvest(s) were made may also be eligible for the Norton Sound endorsement.

Block C - Qualifying Vessel Information

- C1. Enter the name of the vessel upon whose fishing history the applicant is basing his/her claim to a license. If the name of the vessel has changed, please indicate the "old" name and the "new" name, and the date that the change occurred.
- C2. Enter the vessel's ADF&G Number.
- C3. Enter the vessel's U.S. Coast Guard Official Number.

- C4. Enter the vessel's Federal Fisheries Permit Number (if any).
- C5. Enter the vessel's Moratorium Permit Number (if any).
- C6a. Enter the vessel's current Length Overall (LOA).

Note: 50 CFR § 679.2 provides that the “Length Overall” of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments.

- C6b. Enter the vessel's LOA on June 24, 1992.
- C6c. Enter the vessel's LOA on June 17, 1995.
- C7a. Indicate whether the vessel was under reconstruction on June 24, 1992. If so, enter the requested information regarding the beginning and ending date (month and year) of the reconstruction and the vessel's LOA when reconstruction was completed. Provide evidence of the reconstruction by providing copies of shipyard contracts, contemporary vessel surveys, or other documents that show when the vessel was under reconstruction, the nature of the work, and the resulting vessel LOA.
- C7b. Indicate whether the vessel was under reconstruction on June 17, 1995. If so, enter the requested information regarding the beginning and ending date (month and year) of the reconstruction and the vessel's LOA when reconstruction was completed. Provide evidence of the reconstruction by providing copies of shipyard contracts, contemporary vessel surveys, or other documents that show when the vessel was under reconstruction, the nature of the work, and the resulting vessel LOA.

Block D - Claim(s) for License Endorsements

Every license issued under the LLP will contain a variety of endorsements. This section of the application is designed to insure that the applicant is given the opportunity to make claims for specific endorsements, including whether the license should be designated for use on a catcher vessel or a catcher-processor vessel, gear endorsements (for groundfish licenses), and species and area endorsements (for crab licenses).

- D1. As noted earlier, for every vessel considered to have a fishing history that qualifies its owner(s) for a license, RAM has prepared an *LLP Qualifications Summary* (derived from the *Official LLP Record*) that, among other things, shows the vessel owner and vessel characteristics (LOA and whether, for purposes of the LLP, the vessel is a catcher vessel or a catcher-processor vessel), gear qualifications, and species/area endorsements. In most cases, the *Summary* has been provided with the application materials. If you do not have a *Summary* for a given vessel, contact RAM to obtain one (they are also posted on the Internet at [<www.fakr.noaa.gov>](http://www.fakr.noaa.gov)).

If you agree with the information on the *Summary*, simply check “Yes” and proceed to Block E. On the other hand, if you do not agree with any of the information set out on the *Summary*, check “No” and complete the remainder of Block D.

The tables below summarize the minimum required harvests for both groundfish and crab endorsements under the LLP. For groundfish licenses, the tables show the required harvests for the General Qualifying Period and (by vessel LOA) the required harvests for the Endorsement Qualifying Period. For crab licenses, they show the General Qualifying Period requirements, as well as the requirements for the Endorsement Qualifying Period and the “Recent Participation” Qualifying Period.

Groundfish License Endorsement Requirements

To qualify a person for a license under the LLP, a vessel must have been used to make the required number of documented harvest(s) of license limitation groundfish during both a “General” Qualifying Period and an “Endorsement” Qualifying Period. The groundfish qualifying periods vary somewhat by the size (LOA) of the vessel, and the crab qualifying periods are specific to each crab fishery endorsement. The requirements are set out on the tables that follow.

LLP Groundfish - *General* Qualifying Periods (by Vessel LOA)

For Vessel LOA (as of June 17, 1995)	General Qualifying Period - All Areas (at least one Documented Harvest)
LOA greater than, or equal to 125 feet	<p>1/1/88 - 6/27/92, or</p> <p>1/1/88 - 6/17/95 [but only if the vessel was used to harvest crab in the BSAI during the period January 1, 1988, and February 9, 1992, and was used to make groundfish harvests, using trawl or hook gear, during the period February 10, 1992, through December 11, 1994].</p>
LOA greater than, or equal to 60 feet, and less than 125 feet	<p>1/1/88 - 6/27/92, or</p> <p>1/1/88 - 6/17/95 [but only if the vessel was used to harvest crab in the BSAI during the period January 1, 1988, and February 9, 1992, and was used to make groundfish harvests, using trawl or hook gear, during the period February 10, 1992, through December 11, 1994].</p>
LOA less than 60 feet	<p>1/1/88 - 6/27/92, or</p> <p>1/1/88 - 6/17/95 [but only if the vessel was used to harvest crab in the BSAI during the period January 1, 1988, and February 9, 1992, and was used to make groundfish harvests, using trawl or hook gear, during the period February 10, 1992, through December 11, 1994], or</p> <p>1/1/88 - 12/31/94 [but only if the harvest(s) were made with pot or jig gear]</p>

LLP Groundfish - Area Endorsement Qualifying Periods (by Vessel LOA)

Area	LOA greater than, or equal to 125 ft.		LOA greater than, or equal to 60 ft., and less than 125 ft.		LOA less than 60 ft.	
	Qualifying Period	Minimum Harvest	Qualifying Period	Minimum Harvest	Qualifying Period	Minimum Harvest
Bering Sea	1/1/92 - 6/17/95	1	1/1/92 - 6/17/95	1	1/1/92 - 6/17/95	1
Aleutian Islands	1/1/92- 6/17/95	1	1/1/92 - 6/17/95	1	1/1/92 - 6/17/95	1
Western Gulf	1/1/92- 6/17/95	2 (1 in each of 2 years)	Catcher Vessel: 1/1/92 - 6/17/95 <i>or</i> Catcher/ Processor: 1/1/92 - 6/17/95 <i>or</i> Catcher/ Processor: 1/1/95 - 6/17/95	1 2 (1 in each of 2 years) 4 (minimum)	1/1/92 - 6/17/95	1
Central Gulf (includes West Yakutat)	1/1/92- 6/17/95	2 (1 in each of 2 years)	1/1/92 - 6/17/95 <i>or</i> 1/1/95 - 6/17/95	2 (1 in each of 2 years) 4 (minimum)	1/1/92 - 6/17/95	1
Southeast Outside	1/1/92- 6/17/95	2 (1 in each of 2 years)	1/1/92 - 6/17/95 <i>or</i> 1/1/95 - 6/17/95	2 (1 in each of 2 years) 4 (minimum)	1/1/92 - 6/17/95	1

Crab License Endorsement Requirements

Similar to groundfish, crab endorsements are derived from fishing histories (documented harvests) that occurred during the General Qualifying Period, as well as from the Endorsement Qualifying Period. However, applicants claiming crab endorsements must also demonstrate that the vessel was used to make documented harvests during a “Recent Participation” Qualifying Period. The tables below display all of the qualifying periods, as well as the minimum number of harvests that are required before an endorsement can be issued.

LLP Crab - *General Qualifying Periods* **(pertains to all vessel lengths, but does not apply to the** **Pribilof Island and Norton Sound red and blue king crab fisheries)**

General Qualifying Period	Minimum Harvest(s)
1/1/88 through 6/27/92	At least 1 harvest during period
1/1/88 through 12/31/94	At least 1 harvest during period, provided that the vessel was used to make groundfish landings during the period January 1, 1988, through February 9, 1992, and was also used to make at least one harvest of crab during the period February 10, 1992 through December 11, 1994.

LLP Crab - *Species/Area Endorsement Qualifying Periods* **(pertains to all vessel lengths)**

Species/Area Endorsement	Qualifying Period	Minimum Harvest(s)
Pribilof Island red and blue king	1/1/93 through 12/31/94	1
Bering Sea/Aleutian Island opilio and bairdi	1/1/92 through 12/31/94	3
St. Matthew blue king	1/1/92 through 12/31/94	1
Aleutian Island brown king	1/1/92 through 12/31/94	3
Aleutian Island red king	1/1/92 through 12/31/94	1
Bristol Bay red king	1/1/91 through 12/31/94	1
Norton Sound red and blue king* (*See instructions for D2, next page)	1/1/93 through 12/31/94	1

**LLP Crab - Recent Participation Period
(pertains to all vessel lengths)**

Basic Requirement
At least one documented harvest of any crab species during the period beginning January 1, 1996, and ending February 7, 1998
Exception No. 1: An applicant who only qualifies for a Norton Sound red or blue king crab endorsement is not required to meet the Recent Participation requirement.
Exception No. 2: An applicant whose qualifying vessel is less than 60 ft. LOA is not required to meet the Recent Participation requirement.
Exception No. 3: An applicant whose qualifying vessel (i.e., whose vessel was used to make qualifying harvests during the General and Endorsement Qualifying Periods) was unable to make a harvest during the Recent Participation Period because of its loss or destruction, but who used another vessel to make a harvest at any time before January 1, 2000.
Exception No. 4: A person who can demonstrate that his or her vessel made a documented harvest of crab species during the period beginning January 1, 1998, through February 7, 1998, and who obtains the fishing history of a vessel that meets the General Qualifying Period and the Endorsement Qualifying Period, or who entered into a contract to obtain such a fishing history by 8:36 a.m. (Pacific Standard Time) on October 10, 1998, is exempt from the requirement that s/he hold a “complete” fishing history for qualifying for a crab endorsement.

Claim for catcher vessel or catcher-processor vessel endorsement

A license will not be endorsed with a catcher-processor designation unless:

(for **groundfish**) license limitation groundfish were actually processed on the vessel during the period January 1, 1994, through June 17, 1995, or in the most recent calendar year of participation during the Endorsement Qualifying Period; and,

(for **crab**) license limitation crab species were actually processed on the vessel during the period January 1, 1994, through December 31, 1994, or in the most recent calendar year of participation during the area Endorsement Qualifying Period.

- D2. This section only applies to applicants for a Norton Sound red and blue king crab endorsement. Under the LLP regulations, qualification for the Norton Sound crab endorsement is somewhat broader than for the other crab and groundfish endorsement. Specifically, it is not necessary to have owned the vessel (or the vessel’s qualifying history) to qualify for the endorsement. In the space provided, please:

Check D2a, if the applicant is applying in his or her capacity as the owner of the vessel named in Block C;

Check D2b, if the applicant is applying in his or her capacity as an individual who was not the owner of the vessel named in Block C, but who held a State of Alaska (CFEC) interim-use permit for the Norton Sound summer crab fishery in 1993 and/or 1994, and whose permit was used to record landings of Norton Sound red and blue king crab; or,

Check D2c, if the applicant is applying in its capacity as a corporation (or other non-individual business) that owned the vessel named in Block C while it was used to make a qualifying harvest of Norton Sound red or blue king crab, and that employed a master or temporary contractor (i.e., the vessel's "hired skipper") to operate the vessel during the time that one or more qualifying harvest(s) were made.

Block E - Options and Selections

Under the LLP, persons who qualify for licenses may, in some cases, make choices with respect to endorsements and/or limitations on the licenses that will be initially issued. It is important that applicants exercise these options at the application stage because once a license is issued, its characteristics will remain unchanged (unless there is a subsequent change in the underlying regulations).

This section of the application is designed to briefly explain the options that applicants may have, and to provide the opportunity for the applicant to express his or her preferences. Each option is briefly explained on the application itself, and an expanded explanation follows:

- E1. ***Groundfish Area Selection.*** This section is for applicants whose qualifying vessel histories are from vessels that are less than 60 feet LOA and who used **pot** or **jig** gear to harvest groundfish during the extension of the General Qualifying Period that was established for such vessels. The extension was for the period beginning June 28, 1992, through December 31, 1994. If the General Qualifying Period requirement was met with harvests during that time, only one groundfish area endorsement may be set out on the license, even if harvests from more than one area were made during the period.

On the space provided, applicants should set out the specific groundfish area endorsement they seek; the area chosen must be an area from which a qualifying harvest(s) was made.

- E2. ***Groundfish Gear Endorsement (#1).*** An applicant whose qualifying vessel was used to make groundfish harvests during the period beginning June 18, 1995, through February 7, 1998, with a gear type that was **different** from the gear type used during the General Qualifying Period and the Endorsement Qualifying Period, may choose between a "Trawl" gear endorsement and a "Non-Trawl" gear endorsement.

On the space provided, applicants should set out the specific gear for which they wish the license to be endorsed.

- E3. ***Groundfish Gear Endorsement (#2).*** Applicants who, during the time period June 18, 1995, through February 7, 1998, made a “significant financial investment” to convert their qualifying vessel to use a different gear type may have their license endorsed with the gear type of their choice. Under the regulations, a “significant financial investment” means a commitment of at least \$100,000 toward vessel conversion and/or gear to change from a non-trawl to a trawl designation, or having acquired groundline, hooks or pots, and hauling equipment for prosecuting a fixed gear fishery to change from a trawl gear to a non-trawl gear designation. Additionally, at least one documented harvest(s) must have been made from the vessel using the gear for which the investment was made at any time prior to January 1, 2000.

Applicants seeking to change their gear designation under this provision should provide evidence (in the form of receipts, contracts with shipyards, etc.) to support their claim to have made the investment.

Also, on the space provided on the application, applicants should set out the specific gear for which they wish the license to be endorsed.

- E4. ***Designation of Vessel Use (Catcher Vessel or Catcher-Processor Vessel) on License.*** This presents applicants whose vessels are identified (on the *LLP Qualifications Summary* for the vessel) as a “catcher-processor” vessel with the opportunity to change the designation to a “catcher” vessel (note, however, that once the change from catcher-processor vessel to catcher vessel is made, it is a permanent change in the license endorsement). This choice does not need to be made before the license is issued; however, if the applicant so chooses, the change can be made at this time.

If the applicant chooses to change the designation of his or her catcher-processor vessel to a catcher vessel only, s/he should so indicate in the space provided.

- E5. ***Designation of Vessel on License.*** Under the LLP, licenses are held by persons, and those who hold licenses may deploy vessels in the fisheries to participate within the limitations set out on the licenses (and other relevant regulations). Although each license is derived from the qualifying fishing history of an identifiable vessel, a license may be used to deploy a different vessel, provided that the different vessel’s characteristics (LOA and gear) are within the limits of the endorsement on the license.

If a license holder chooses to use the license, the name of the vessel upon which it will be used will be set out on the license itself. Changing the vessel designated on the license is possible (using the LLP transfer process), but a license may not be issued for more than one vessel in any given calendar year.

This section of the application allows an applicant to choose the vessel they wish to designate on the license. If no choice is made, the designated vessel will be the qualifying vessel (i.e., the vessel identified in Block C of the application). If a choice is made, it will only be approved if the vessel's characteristics (LOA and gear) fall within the limits of the license endorsements. Therefore, if an applicant wishes to designate a different vessel, s/he should complete the questions (E5a - E5e) set out on the form.

Note: Applicants whose qualifying fishing history was earned on a vessel that was not named on a Federal Fisheries Permit at the time of the qualifying harvests, may not change the vessel designated on the license. In such cases, the identification of the vessel will be permanently attached to the license itself, and may not be changed.

Block F - Certification

Sign and date the application in the space provided. When it is complete, make a duplicate for your records, insert the original signed copy in an envelope, and mail it, **no later than December 17, 1999**, to:

**NMFS, Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668**

NOAA/National Marine Fisheries Service
Steven Pennoyer, Administrator, Alaska Region
P.O. Box 21668 • Juneau, AK 99802
September 1999

